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12 **UNITED STATES DISTRICT COURT**

13 **DISTRICT OF NEVADA**

14 OCWEN LOAN SERVICING, LLC,

15 Plaintiff,

16 vs.

17 NEVADA RANCH TWILIGHT  
18 HOMEOWNERS ASSOCIATION,

19 Defendant.

Case No.: 2:17-cv-02437-JCM-PAL

20 **STIPULATION AND ORDER FOR  
EXTENSION OF TIME TO RESPOND  
TO DEFENDANT NEVADA RANCH  
TWILIGHT HOMEOWNERS  
ASSOCIATION'S MOTION TO  
DISMISS COMPLAINT**

21 **(SECOND REQUEST)**

22 COME NOW Plaintiff Ocwen Loan Servicing, LLC ("Ocwen") and Defendant Nevada  
23 Ranch Twilight Homeowners Association (the "Nevada Ranch Twilight"), by and through their  
24 respective counsel of record, and hereby stipulate and agree as follows:

25 WHEREAS, on August 29, 2009, a Notice of Delinquent Assessment (Lien) was  
26 recorded against the subject Property by Alessi & Koenig, LLC (the "HOA Trustee") on behalf  
27 of Nevada Ranch Master Homeowners Association ("Nevada Ranch Master").

28 WHEREAS, on that same date, a Notice of Delinquent Assessment (Lien) was recorded  
against the subject Property by the HOA Trustee on behalf of Nevada Ranch Twilight.

WHEREAS, on November 16, 2009, a Notice of Default and Election to Sell Under  
Homeowners Association Lien was recorded against the subject Property by the HOA Trustee on  
behalf of Nevada Ranch Master.

1           WHEREAS, on that same date, a Notice of Default and Election to Sell Under  
2 Homeowners Association Lien was recorded against the subject Property by the HOA Trustee on  
3 behalf of Nevada Ranch Twilight.

4           WHEREAS, on November 5, 2010, a second Notice of Default and Election to Sell  
5 Under Homeowners Association Lien was recorded against the subject Property by the HOA  
6 Trustee on behalf of Nevada Ranch Master.

7           WHEREAS, on March 20, 2012, a Notice of Trustee's Sale was recorded against the  
8 subject Property by the HOA Trustee on behalf of Nevada Ranch Master, stating that a  
9 foreclosure sale would proceed on April 11, 2012.

10           WHEREAS, on August 14, 2012, a Notice of Trustee's Sale was recorded against the  
11 subject Property by the HOA Trustee on behalf of Nevada Ranch Twilight, stating that a  
12 foreclosure sale would proceed on September 12, 2012.

13           WHEREAS, on August 14, 2012, a second Notice of Trustee's Sale was recorded against  
14 the subject Property by the HOA Trustee on behalf of Nevada Ranch Master, stating that a  
15 foreclosure sale would proceed on September 12, 2012.

16           WHEREAS, on January 8, 2013, a Trustee's Deed Upon Sale was recorded against the  
17 Property by the HOA Trustee on behalf of Nevada Ranch Twilight, stating that a foreclosure sale  
18 occurred on December 12, 2012.

19           WHEREAS, on April 25, 2013, a Corrective Trustee's Deed Upon Sale was recorded  
20 against the Property by the HOA Trustee, stating that it was recorded "[t]o correct foreclosing  
21 beneficiary name and TS. No." The foreclosing beneficiary was changed from Nevada Ranch  
22 Twilight to Nevada Ranch Master. The foreclosure sale date was also changed from December  
23 12, 2012, to September 12, 2012.

24           WHEREAS, on September 18, 2017, Ocwen filed a Complaint seeking damages against  
25 Nevada Ranch Twilight. ECF No.1.

26           WHEREAS, on January 10, 2018, Nevada Ranch Twilight filed a Motion to Dismiss the  
27 Complaint. ECF No. 8.

28

1 WHEREAS, on January 24, 2018, a Stipulation and Order for an extension of time for  
2 Ocwen to respond to Nevada Ranch Twilight's Motion to Dismiss was filed. ECF No. 10.

3 WHEREAS, Ocwen subpoenaed records from Alessi & Koenig, LLC ("Alessi"), the  
4 foreclosure agent for Nevada Ranch Master and Nevada Ranch Twilight, to determine whether  
5 Nevada Ranch Twilight or Nevada Ranch Master was the correct foreclosing association.  
6 However, it continues to remain unclear from Alessi's records whether Nevada Ranch Master or  
7 Nevada Ranch Twilight foreclosed.

8 WHEREFORE based on the foregoing,

9 IT IS HEREBY STIPULATED AND AGREED that the time for Ocwen to respond to  
10 Nevada Ranch Twilight's Motion to Dismiss (ECF No. 8) should be extended further in order for  
11 Ocwen to continue its investigation into whether Nevada Ranch Twilight or Nevada Ranch  
12 Master was the foreclosing association. Specifically, Ocwen seeks to subpoena Nevada Ranch  
13 Master's records for the subject Property in order to determine the correct foreclosing association  
14 and ensure that the correct association is named as a party to this action. Nevada Ranch Twilight  
15 does not object to Ocwen's request for more time.

16 IT IS FURTHER STIPULATED AND AGREED that the deadline for Ocwen to respond  
17 to the Motion to Dismiss (ECF No. 8), currently February 23, 2018, should be extended by an  
18 additional 30 days to March 25, 2018, so that the parties have sufficient time to receive and  
19 review Nevada Ranch Twilight's and Nevada Ranch Master's records for the subject Property,  
20 determine the correct foreclosing association and determine an appropriate course of action,  
21 whether by dismissal of Nevada Ranch Twilight or by continuing briefing of the Motion to  
22 Dismiss.

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IT IS SO STIPULATED.

DATED this 23<sup>rd</sup> day of February, 2018

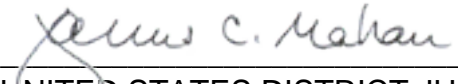
DATED this 23<sup>rd</sup> day of February, 2018

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**ORDER**

IT IS SO ORDERED.

  
UNITED STATES DISTRICT JUDGE

DATED: February 23, 2018